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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,764	08/03/2001	Keiki Okamoto	Q65727	5977

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SUGHRUE, MION. ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT PAPER NUMBER

3626

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/920,764	<b>Applicant(s)</b> OKAMOTO ET AL.	
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notification to Applicant***

1. This communication is in response to the application filed 3 August 2001. Claims 1-16 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lubin (5,991,730; hereinafter Lubin).

- (A) As per claim 1, Lubin discloses a medical managing system comprising:
  - (i) a recording unit which is able to record patient data including identification data on a patient and inspection data (Lubin: col. 1, lines 20-25; col. 7, lines 14-16; col. 8, lines 38-50; col. 12, lines 27-53; Fig. 1);

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- (ii) a display (Lubin: col. 6, lines 4-5; Fig. 4);
  - (iii) a reception input unit which inputs reception data on the patient (Lubin: col. 12, lines 27-53; Fig. 1); and
  - (iv) a control unit which displays, on the display, at least part of the patient data and at least one of reception time and an elapse time from the reception time with linking each other (Lubin: col. 12, lines 27-53; Fig. 1).
- (B) As per claim 2, Lubin discloses the system according to claim 1 further comprising a state input unit which inputs patient state representing at least one of received, inspected and examined, wherein the control unit displays, on the display, at least of the patient data (Lubin: col. 12, lines 27-53; Fig. 1).
- (C) As per claim 3, Lubin discloses the system according to claim 2, wherein:
- (i) the state input unit inputs a patient state as the received (Lubin: col. 12, lines 27-53; Fig. 1); and
  - (ii) the control unit displays, on the display, at least one of the reception time and the elapse time when the received is inputted (Lubin: col. 12, lines 27-53; Fig. 1 ).
- (D) As per claim 4, Lubin discloses the system according to claim 1, wherein the reception input unit includes a reader for reading and inputting the identification data on

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the patient recorded in a recording medium (Lubin: col. 2, lines 20-26; col. 7, lines 14-16; Fig. 1 and Fig. 3).

(E) As per claim 5, Lubin discloses the system according to claim 4, wherein the control unit displays, on the display, received as a patient state with linking to at least part of the patient data when the identification data on the patient is inputted as the reception data by the reader (Lubin: col.2, lines 55-59; col. 11, lines 51-55; col. 7, lines 57-60; col. 8, lines 11-16; Fig. 5).

(F) As per claim 8, Lubin discloses the system according to claim 1, wherein the display includes at least one of a first display put in a consulting room and a second display put in a waiting room. (Lubin: col. 6, lines 4-16; col. 7, lines 56; col. 8, lines 15-16).

(G) As per claim 9, Lubin discloses a system comprising:

- (i) a recording unit which is able to record patient data including identification data on a patient and inspection data (Lubin: col. 1, lines 20-25; col. 7, lines 14-16; col. 8, lines 38-50; col. 12, lines 27-53; Fig. 1);
- (ii) a display (Lubin: col. 6, lines 4-5; Fig. 4);
- (iii) a state input unit which inputs a patient state representing at least one of received, inspected and examined (Lubin: col. 12, lines 27-53; Fig. 1); and

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- (iv) a control unit which displays, on the display, at least part of the patient data and the inputted patient status with linking each other (Lubin: col. 12, lines 27-53; Fig. 1).
- (H) As per claim 10, Lubin discloses the system according to claim 9, wherein:
  - (i) the inputting the identification data on the patient recording medium, and state input includes a reader reading (Lubin: col. 2, lines 20-26; col. 7, lines 14-16; Fig. 1 and Fig. 3); and
  - (ii) recorded in a the control unit displays the received as the patient status when the identification data on the patient is inputted by the reader (Lubin: col.2, lines 55-59; col. 11, lines 51-55; col. 7, lines 57-60; col. 8, lines 11-16; Fig. 5).
- (I) As per claim 13, Lubin discloses the system according to claim 9, wherein the display includes at least one of a first display put in a consulting room and a second display put in a waiting room (Lubin: col. 6, lines 4-16; col. 7, lines 56; col. 8, lines 15-16).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 11, 12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lubin in view of Liddle. (Liddle, Alan J. "Restaurateurs Try Video Eyes to Enhance Service, Productivity, Security, But Also See Controversy" Nation's Restaurant News. Apr. 24, 2000. Vol.34, Iss.17. pg. 71; hereinafter Liddle).

(A) As per claim 6, Lubin fails to disclose the system of claim 1 further comprising:

- (i) an image input unit which inputs an image of a waiting room; and
- (ii) wherein the control unit displays the image of the waiting room on the display.

These features, however, are old and well known in the art, as is evidenced by Liddle. In particular, Liddle discloses the use of an image input unit (i.e., camera), which inputs an image of a waiting room and displays the image on a control unit display (Liddle: pg. 1-4 and embedded photos). More specifically, Liddle teaches the use of video cameras to see "when guests come, go or are *waiting* too long for service." [emphasis added]. Note also the use of various additional hardware elements (i.e.,

display units, control units, laptops, VCRs, etc.) and configurations of the Liddle system shown in the photos.

Therefore, one of ordinary skill would have found it obvious to include the aforementioned features of Liddle within the Lubin system with the motivation of fine-tuning service operations in terms of timing, providing the capability of seeing when people come, go or are waiting too long for service, and to keep an eye on what is going on in the front-of-the-house (Liddle: pg. 1-4). Note that Examiner considers the "front-of-the-house" a waiting room because guests wait for service and are catered to by wait staff.

Moreover, one of ordinary skill would have also found it obvious to include the aforementioned features of Liddle within the Lubin system with the motivation of "increased detail in tracking of patient movement with greater granularity" (Lubin: col. 10, lines 66-67 and col. 11, lines 1-10). This would be particularly obvious when tracking of the patient commences in the receiving area (i.e., waiting room).

(B) Claim 7 differs from claim 6 by reciting the use of a camera as an image input device. As aforementioned, Liddle specifically teaches the use of a camera as an image input device (Liddle: pg. 1-4 and embedded photos) and therefore, claim 7 is rejected for the same reasons as claim 6.

(C) Claims 11 and 12 are rejected for the same reasons given for claim 6 and claim 7, respectively, that is, because Liddle discloses the use of cameras as image input



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units, which input images of a room and displays the images on a control unit display (Liddle: pg. 1-4 and embedded photos).

(D) Claims 14 and 15 combine some of the same features of claims 1 and 6, and are therefore rejected for the same reasons given for those claims.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lubin in view of Liddle and further in view of Conrad et al. (5,465,115; hereinafter Conrad).

(A) As per claim 16, the combined teachings of Lubin and Liddle fail to disclose the system of claim 14 wherein:

(i) the control unit is able to display the image of the waiting room with enlarging at a desired portion thereof.

These features, however, are old and well known in the art, as is evidenced by Conrad. In particular, Conrad discloses a control unit, which is able to display the image of a room with enlarging at a desired portion thereof (Conrad: col. 14, lines 15-16; Fig. 2 and Fig. 7; hereinafter Conrad).

Therefore, one of ordinary skill would have found it obvious to include the aforementioned features of Conrad within the combined teachings of the Lubin and Liddle with the motivation of accommodating wider entryways, improved traffic

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monitoring, and a real time count of the number of people present (Conrad: col. 14, lines 15-16; col. 2, lines 36-37 and 51-52).

Moreover, one of ordinary skill would have also found it obvious to include the aforementioned features of Conrad within the combined teachings of Lubin and Liddle with the motivation of "increased detail in tracking of patient movement with greater granularity" (Lubin: col. 10, lines 66-67 and col. 11, lines 1-10).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches the following: a method and apparatus for monitoring status of tables in a restaurant (4,222,111); a medical information system with automatic updating of task list in response to entering orders and charting interventions on associated forms (5,072,383); an apparatus and method for sensing events from a remote location (5,097,328); a queue monitoring and/or control system (5,245,163); a waiting line management system (5,502,806); a time and attendance system and method therefor (5,550,359); and a patient tracking system for hospital emergency facility (5,760,704).

The cited but not applied prior art also includes non-patent literature articles by Barry Didcock ("It's Too Late, Big Brother is Here and He's All Eyes" The Scotsman. Dec. 14, 1998. pg. 10); Security ("Rx for Healthy Hospitals: Security Goes Clinical"

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Security. Oct. 1996. Vol.33, Iss. 10; pg. 24); and Mick Hurrel ("Danger, Overcrowding Ahead; Infotech" The Times. Oct. 7, 1994. pg. NOPGCIT).

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The Examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT *MT* 5.17.05

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3602